

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NESTOR LARACUENTE, Individually and on Behalf
of All Other Persons Similarly Situated,
Plaintiffs,

Case No.: 08CV5618

-against-

STIPULATION OF DISMISSAL

SMOKENFOODS, LLC and STEVEN LEVY

Defendants.

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, NESTOR LARACUENTE, and Defendants, SMOKENFOODS, LLC and STEVEN LEVY, in accordance with Rule 41(a)(1) of the Federal Rules of Civil Procedure, that the above entitled action be dismissed with prejudice and without costs as to Plaintiff Nestor Laracuate and be dismissed without costs and without prejudice as to the members of the alleged putative class action and/or collective action other than Plaintiff Nestor Laracuate. This Stipulation does not prejudice the rights, if any, of the members of the alleged putative class action and/or collective action other than Plaintiff Nestor Laracuate.

Dated: New York, New York
August 25, 2008

STEVEN LEVY

Steven Levy
206 East 63rd Street
New York, New York 10021

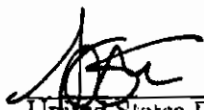
GOTTLIEB & ASSOCIATES

Jeffrey M. Gottlieb, Esq. (IG-7905)
150 East 18th Street, Suite PHR
New York, New York 10003
(212) 228-9795

Attorney for Plaintiff, Nestor Laracuate,
Individually and on Behalf of All Other
Persons Similarly Situated

The Clerk of Court is requested to close this case.

SO ORDERED:

 9/2/08
United States District Court Judge